

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re: Procter & Gamble Aerosol
Products Marketing and Sales
Practices Litigation

Case No. 2:22-md-3025
Judge Michael H. Watson
Magistrate Judge Chelsey Vascura

This document relates to: ALL CASES.

CASE MANAGEMENT ORDER 1:
ORDER ADDRESSING PRELIMINARY MATTERS AND SETTING INITIAL
TELEPHONE CONFERENCE

This matter was transferred from the MDL Panel to this Court on April 8, 2022. ECF No. 2. The Court herein addresses preliminary matters and schedules the first telephone conference.

A. Case Numbers.

This litigation currently consists of the following seventeen actions that were filed in or transferred to and assigned a case number in the Southern District of Ohio:

- *Valasques, et al. v. The Procter & Gamble Company*, Case No. 1:21-cv-723
- *Baker, et al. v. The Procter and Gamble Company*, Case No. 1:21-cv-734
- *Esquivel, et al. v. The Procter & Gamble Company*, Case No. 1:21-cv-762
- *Lyle v. Procter & Gamble Company*, Case No. 2:22-cv-1925
- *Canaday v. The Procter & Gamble Company*, Case No. 2:22-cv-1926
- *Toporek v. The Procter & Gamble Company*, Case No. 2:22-cv-1927
- *Bryski v. The Procter & Gamble Company*, Case No. 2:22-cv-1929
- *Leyva, et al. v. The Procter & Gamble Company*, Case No. 2:22-cv-1930
- *Quinones v. The Procter & Gamble Company*, Case No. 2:22-cv-1941
- *Aviles, et al. v. Proctor & Gamble Company*, Case No. 2:22-cv-1950
- *Labella v. The Procter & Gamble Company*, Case No. 2:22-cv-1992
- *Martinez, et al. v. The Procter & Gamble Company*, Case No. 2:22-cv-1993
- *Hernandez v. The Procter & Gamble Company*, Case No. 2:22-cv-1994
- *Clayton v. The Procter & Gamble Company*, Case No. 2:22-cv-1996
- *Dethrow v. Procter & Gamble Company*, Case No. 2:22-cv-1997
- *Hudnall v. The Procter & Gamble Company*, Case No. 2:22-cv-1998

- o *Delcid v. The Procter & Gamble Company*, Case No. 2:22-cv-1999

An additional three actions have been conditionally transferred by the MDL Panel and will be consolidated with this docket in due course. The Clerk is **DIRECTED** to assign a Southern District of Ohio case number to any related case if the case lacks such a number when it is received. The Clerk is also **ORDERED** to directly assign the Honorable Michael H. Watson and the Honorable Chelsey M. Vascura to any such related case. Further, the Clerk shall **CONSOLIDATE** into Case No. 2:22-md-3025 any such subsequently received case, as well as any case that is currently or subsequently filed in or removed to this Court that is added to this MDL by the MDL Panel.

B. Case Caption and Filing Instructions

The parties are **DIRECTED** to caption every filing in this litigation as follows:

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**In re: Procter & Gamble Aerosol
Products Marketing and Sales
Practices Litigation**

**Case No. 2:22-md-3025
Judge Michael H. Watson
Magistrate Judge Chelsey Vascura**

This document relates to: _____.

All filings other than Complaints initiating additional member cases shall be filed **ONLY** in Case No. 2:22-md-3025.

When a filing applies to all cases, the words "**ALL CASES**" shall appear on the line next to the words "This document relates to" in the caption as set forth above. The attorneys shall **NOT** spread the filings to all member cases.

When a filing applies to fewer than all of the cases in this MDL, the party making the filing shall indicate the actions to which the filing applies in the line next to the words "This document relates to." The party shall **SPREAD** the filing to those cases in which it applies.

C. Status Conferences

This Court will hold monthly telephone status conferences. The parties are **DIRECTED** to confer prior to each status conference and file with the Court, no later than two business days prior to the conference, a joint agenda of issues to be addressed at the upcoming conference. Counsel may not present argument in the proposed agenda; rather, the proposed agenda should simply set forth those issues the parties seek to discuss with the Court. The parties shall inform the Court as to the status of settlement negotiations at every conference. If any matter on the agenda is not resolved during the status conference, the Court may set the matter for a subsequent in-court hearing or establish a briefing schedule. Following each status conference, the Court will issue an Order memorializing the issues addressed and resolutions reached therein.

The first status conference will be held **Tuesday, May 3, 2022, at 1:00 EDT**. The parties shall amalgamate a list of participants and their email addresses and send that list to Judge Watson's Courtroom Deputy at jennifer_kacsor@ohsd.uscourts.gov. The Court will issue via email the conference call-in information. The parties should follow the directions in this Order to prepare for the conference except that the agenda for the first conference shall be submitted no later than **Friday, April 29, 2022, at 12:00 EDT**.

D. Procedural Rules

Except as otherwise provided herein or by further order of this Court, the Federal Rules of Civil Procedure, Local Civil Rules of the United States District Court for the Southern District of Ohio, and Judge Watson's standing orders shall govern all further proceedings in this litigation.

Accordingly, unless otherwise ordered by this Court, the parties shall adhere to the default briefing schedule set forth in S.D. Ohio Civ. R. 7.2.

E. *Pro hac vice* applications

Each attorney who is not already a member of the bar of this Court but who seeks to act as counsel for any party in these proceedings must apply for admission *pro hac vice* but will not be required to pay the *pro hac vice* fee or obtain local counsel at this juncture.

The *pro hac vice* form is available on the MDL website at:

<https://www.ohsd.uscourts.gov/multidistrict-litigation-3025> Counsel shall email the completed form to the address at the bottom of the form; do **NOT** docket the form.

Magistrate Judge Vascura will rule on *pro hac vice* motions.

F. Electronic filing

The Court will serve all notices and orders on counsel electronically. Accordingly, all counsel must register for electronic filing with the Court pursuant to S.D. Ohio Civ. R. 83.5(b).

Counsel should register on-line at: <https://www.ohsd.uscourts.gov/electronic-case-filing> by choosing the "Multidistrict Litigation" button on the left-hand side of the page. A log-on and password for electronic filing will be sent out the next business day.

Additional information about electronic filing may be found at the Court's website:
<https://www.ohsd.uscourts.gov/electronic-case-filing>. If counsel experiences any problems registering, counsel should call Deputy Clerk Eduardo Rivera at (614) 719-3015.

G. Appearance

Because virtually all filings relating to this MDL will occur only on the MDL docket, Case No. 2:22-md-3025, any counsel wishing to receive notice of the activity in the MDL shall file a notice of appearance in Case No. 2:22-md-3025. Counsel not wishing to receive notice of all ongoing activity may nonetheless get access to important Court Orders and upcoming proceedings by checking the MDL webpage on the Court's website, available at: <https://www.ohsd.uscourts.gov/multidistrict-litigation-3025>.

Next Steps

The parties shall **REFRAIN** from filing amended complaints, responses to pleadings, or motions to serve as class or liaison counsel until the Court establishes a schedule for doing so. This will be a subject of the first telephone status conference.

IT IS SO ORDERED.

/s/ Michael H. Watson
MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE